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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Cirillo, P., et al) Art Unit: 1625
U.S. Appln. No. : 10/789,354) Examiner: Desai, Rita
Confirmation No. : 9059
U.S. Filing Date : February 27, 2004
Title of Invention : Cytokine Inhibitors
Attny. Docket No.: 9/276

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the restriction requirement dated 4/20/2005, Applicants hereby elect with traverse the invention of Group I, claim 1-14 drawn to compounds and composition wherein Y = N; Q is C; X is O; W is CH; J is alkyl; Ar1 is given in claim 3; all R's are non-heteroring containing.

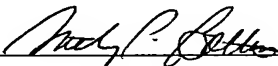
Applicants request the following clarification for the restriction requirement be made on the record. In groups I-III, it is stated that all R's are non-heteroring containing. However, the only other compound/composition group, Group IV, does not mention what the possibilities are for R. In order to file a divisional application under 35 USC 121 applicants respectfully request the Examiner to state on the record Group IV or another Group directed to any of Groups I-III where R's are heterocyclic.

Applicants respectfully request the Examiner to identify the scope of the search in order to facilitate any required deletion of nonelected subject matter and filing of divisional applications. Applicants reserve the right to file in one or more divisional applications any subject matter not allowed in this case under 35 USC 121 without prejudice.

to elect one method of treatment upon a finding of allowable compound claims. Applicants contend that a reason has not been provided by the Examiner as to why a search of one method of treatment would not overlap with one or more of the other diseases. Further, due to the activity of the elected compounds, there will be a substantial overlap of the search with each of the associated disease indications in the claims, and thus not be unduly burdensome. At the very least, applicants respectfully request the Examiner rejoin the preferred diseases to be treated recited in claim 14.

Certificate of Mailing Under 37 C.F.R. § 1.8(a)

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5/4/2005

Dated

Respectfully submitted,



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